Nova Scotia

Nova Scotia Office of the Ombudsman
Annual Accountability Report for the Fiscal Year 2002/03

December 8, 2003

Final Report

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Accountability Statement

The accountability report of the Nova Scotia Office of the Ombudsman for the year ended March 31, 2003, is prepared pursuant to the *Provincial Finance Act* and government policy and guidelines. These authorities require the reporting of outcomes against the Office of the Ombudsman's business plan information for the fiscal year 2002/03. The reporting of outcomes necessarily includes estimates, judgments and opinions by management of the Office of the Ombudsman.

We acknowledge that this accountability report is the responsibility of the Office of the Ombudsman's management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Office of the Ombudsman's business plan for the fiscal year 2002/03.

Mayann Francis
Ombudsman

Janet McKinnon
A/Assistant Ombudsman

Message from the Ombudsman

The Nova Scotia Office of the Ombudsman is an independent government agency charged with administering the Ombudsman Act, a provincial statute created in 1971. My appointment as Ombudsman in December 2000, although seen as a temporary move, still presents challenges for the Office. Some members of the public continue to express the view that the dual appointment as Ombudsman and Director and CEO of the Nova Scotia Human Rights Commission presents a conflict of interest. Immediately after I was appointed, I sought legal advice about conflict issues. The result was a policy which took affect in March 2001 to minimize conflict of interest. Both organizations continue to remain independent of one another. It is anticipated that a new Ombudsman, with sole responsibility for the Ombudsman's Office will be appointed before the end of the fiscal 2003/04.

The staff of the Ombudsman's Office, along with myself, continue to build on the achievements of the last several years. We are taking advantage of opportunities which continue to assist us in bringing about positive changes by enhancing outreach and education to government departments and the public, and improving information and statistical tracking. We are committed to continue to provide efficient, effective and courteous service to all Nova Scotians.

This document highlights the progress made towards achieving the mission of:

> To ensure the concerns of all citizens - including youth in the care and custody of the municipal and provincial governments - regarding principles of administrative fairness and natural justice in the delivery of municipal and provincial public services are addressed through an independent, objective, review mechanism.

I. Introduction

This document is based on the goals and priorities identified in the Office of the Ombudsman's 2002/03 business plan. With that in mind, this report should be read in concert with the business plan.

The report will outline the progress made towards achieving the goals and priorities with a particular focus on the core business areas of Assessment, Investigation and the Children's Section. The Office of the Ombudsman was able to meet its budget targets. These challenges included a continued effort to process assessments and investigations in a timely manner. We were able to maintain our target of completing formal investigations within a 9-12 month period. By the end of the fiscal year, Investigators were averaging 10 months to complete formal investigations. Our goal is to complete formal investigations in a 9 month period.

In December 2000, the Director and CEO of the Nova Scotia Human Rights Commission was appointed Ombudsman. This dual appointment continued throughout the 2002/03 fiscal year.

During 2002/03, the Office of the Ombudsman continued to effectively process complaints regarding provincial and municipal government departments, agencies, boards and commissions and to take proactive steps to educate youth in provincial custody of their rights. The Office of the Ombudsman continued an education program with the focus of increasing the awareness of provincial and municipal government employees and youth in provincial custody of the roles and responsibilities of the Office of the Ombudsman.

The Office of the Ombudsman was able to provide an ongoing program of workshops and training for its staff. The training included the continuation of training in negotiation and mediation skills, and workshops to enhance writing and public presentation skills.

In the following pages, information is provided to report against the specific goals and priorities identified in the 2002/03 Business Plan.

II Progress and Accomplishments

In its 2002/03 business plan, the Office of the Ombudsman established the following priorities:

1. Provide a complaint resolution process that ensures all complaints, filed by citizens, including youth in the care and custody of municipal and provincial governments, are investigated professionally, objectively, thoroughly, and in a confidential and timely manner.

2. Continue to undertake a more proactive role through educating and increasing the awareness of citizens, children, youth, elected officials and employees of the Public Service, of the right to access

the Ombudsman's independent, objective review/complaint resolution mechanism and the principles of administrative fairness and good governance.

3. Provide a service that balances a proactive role while continuing to maintain independence from government to ensure public confidence by continuing to conduct impartial, effective, and objective investigations.

The following is a brief report on major initiatives undertaken to achieve the priorities.

Priority One: Provide a complaint resolution process that ensures all complaints, filed by citizens, including youth in the care and custody of municipal and provincial governments, are investigated professionally, objectively, thoroughly, and in a confidential and timely manner.

G review and monitor, on a regular basis, the complaint resolution process for efficiency and effectiveness in meeting client needs and/or expectations.

Assessments and investigations continue to be implemented in a timely manner. The complaint resolution process is monitored through weekly meetings. These meetings allow staff to determine case priorities and to monitor time frames to ensure all assessments, investigations and reviews are processed in a timely manner. These meetings also provide an opportunity for staff to discuss and analyze cases and to determine options for resolution.

G continue to implement written guidelines to diminish conflict of interest while investigating complaints involving the N.S. Human Rights Commission during the dual appointment of the Director and CEO of the N.S. Human Rights Commission as Ombudsman;

The Office of the Ombudsman continued to implement these written guidelines, as such the office continued to uphold the integrity of the investigation process.

G make improvements to the physical security of the Office of the Ombudsman.

The reception area was enclosed and entrance to the office was secured.

G implement YODA - a case management system for the Children's Section.

The case management system was implemented.

G ensure all new staff are educated on the Provincial Government's Code of Conduct for employees.

with continued emphasis on the importance of practicing confidentiality at all times;

Staff were educated on the Provincial Government's Code of Conduct for employees by attending a presentation provided by a representative of the Public Service Commission. The Office of the Ombudsman policy manual instructs staff to review Chapter 9.6 - Manual 500 Code of Conduct for Civil Servants.

G request and participate in information sessions offered by various government departments to further enhance staff's knowledge and understanding of the programs and their administration within government.

Presentations to Office of the Ombudsman staff were provided by representatives of the Workers Compensation Board, Adult Corrections, Adult Protection and Office of the Legislative Counsel. University College of Cape Breton representatives provided training on the United Nations Convention on the Rights of the Child. Field Officers attending a training session on the *Youth Criminal Justice Act.*

Priority Two: **Continue to undertake a more proactive role through educating and increasing the awareness of citizens, children, youth, elected officials and employees of the Public Service, of the right to access the Ombudsman's independent, objective review/complaint resolution mechanism and the principles of administrative fairness and good governance.**

G provide citizens, including youth in the care and custody of municipal and provincial governments, with access to the Ombudsman's toll-free inquiry lines;

The Office continued to provide access to the Ombudsman's toll-free inquiry lines.

G conduct speaking engagements, information and training sessions, focus groups, audits and regular site visits for citizens, including youth in the care and custody of municipal and provincial governments, elected officials and employees of the Public Service on the role and mandate of the

Office of the Ombudsman;

Six presentations were provided to provincial government departments and agencies with 112 in attendance. Three presentations were provided to municipal departments and agencies with 30 in attendance.

Seventeen presentations regarding the role of the Children's Section were provided to the RCMP. Eighty -five information sessions reached 209 new admissions of the youth correctional facilities. Two presentations outlining the role of the Children's Section were provided at Residential Child Caring Facilities. Field Officers participated in Peace conference hosted by Prince Arthur Junior High School, approximately 80 students attended these presentations.

G update communications material for the Office of the Ombudsman to include more accurate information about services available to the public;

Because annual reports were not tabled for five years, a report covering the period of April 1, 1995 to December 31, 2000 was issued on September 20, 2002..

The Ombudsman information brochure printed in March 2002 was distributed throughout the fiscal year to organizations and complainants involved in assessments and investigations as well as to participants in presentations regarding the role of the Office of the Ombudsman.

Approximately 500 brochures outlining the services provided by the Children's Section were also distributed. The Children's Section "We Have Time to Talk" plaque was distributed to the RCMP detachments (31 are in English, 31 are in French and 5 are in Mi'maq) .

Updates to the webpage include the posting of our Accountability Report for the fiscal year 2001/02, and the Business Plan for 2003/04. Over 4000 hits to the webpage were recorded from November 2002- Match 31, 2003.

G maintain the current staffing level and expertise of employees responsible for the administration of the Ombudsman Act;

The Assistant Ombudsman/Children's Ombudsman accepted a two year secondment opportunity in April 2002. The Director of Investigations retained her duties of Director and assumed the duties of the Assistant Ombudsman/Children's Ombudsman in an acting

capacity.

- **G** continuously review and monitor the complaint resolution process for efficiency and effectiveness in meeting client needs and/or expectations;

  The Office of the Ombudsman continued to review and monitor the complaint resolution process for efficiency and effectiveness in meeting client needs and/or expectations through weekly meetings.

- **G** review the expanding role of the Children's Section in cooperation with the Provincial Government's Children and Youth Action Committee (CAYAC).

  To our knowledge this committee did not meet in this fiscal year.

Priority Three: **Provide a service that balances a proactive role while continuing to maintain independence from government to ensure public confidence by continuing to conduct impartial, effective, and objective investigations.**

G advise government officials of the opportunity to access the services of the Office of the Ombudsman to conduct presentations and to review internal polices and procedures to provide input on administrative fairness and good governance in the delivery of government programs and services;

Once investigations are completed, letters were sent to the government officials offering to provide presentations to staff. This has resulted in six presentations being provided to provincials government departments and agencies with 112 individuals in attendance. Three presentations were provided to municipal departments and agencies with 30 people in attendance.

G continue to implement written guidelines to diminish conflict of interest while investigating complaints involving the N.S. Human Rights Commission during the dual appointment of the Director and CEO of the N.S. Human Rights Commission as Ombudsman;

The Office of the Ombudsman continued to implement the written guidelines to diminish conflict of interest.

G continue with and further expand upon partnerships between the Children's Ombudsman, various NGO and government organizations with respect to the delivery of programs relating to the rights of children and youth in care and custody of the government.

Field officers met with representatives of the Child Advocate offices in Ontario and British Columbia

The role of the Children's Section continues to be reviewed and jurisdictional issues are being addressed. The complaint resolution mechanism designed to address concerns of youth residing in residential child caring facilities was not implemented and a revised mechanism was developed to ensure the process was within the authority of the *Ombudsman Act*. Discussions with Community Services are ongoing regarding the revised model and the implementation of a complaint resolution mechanism for youth residing in the secure care facility, scheduled to open the fall of 2003.

III. Financial Results

Office of the Ombudsman Estimated Budget Expenditures		
Core Business	2002-2003 Actuals	2002-2003 Budget
	$ Thousands	$ Thousands
Administration and Support & Investigation	$450.00	$488.00
Children's Ombudsman	$190.00	$314.00
Total - Gross Current	$640.00	$800.00
Total - Program Expenses Net of Recoveries *	$602.00	$800.00
Salaries and Benefits	$458.00	$551.00
Funded Staff (FTE's)	12.0	12.0

* Reflects expenses recovered from the Department of Justice related to the proactive complaints mechanism service provided to the Young Offender Correctional Facilities. ($38.000)

The Office of the Ombudsman was under spent because jurisdictional issues have delayed the implementation of the Children's Section service to children in care of the government (Community Services, Residential Child-Caring Facilities). Discussions are ongoing with legal counsels of the Office of the Ombudsman and Community Services regarding these jurisdictional issues. Funds have also been set aside while the Children's Ombudsman is on secondment. This position is being filled on an acting basis. In addition, funds were set aside in anticipation of the appointment of a full time Ombudsman.

IV. Outcome Measures

Core business areas identified in the 2002/03 Business Plan is to:

1. Advise citizens and provide a voice for children and youth in the care and custody of municipal

and provincial governments of their right to access internal departmental and external complaint mechanisms, and of their right to access the independent, impartial complaint mechanisms of the Office of the Ombudsman.

The outcome is to ensure the concerns of citizens are handled in a manner that is fair, appropriate and cost-effective.

In 2001-2002, the Investigation Section handled 424 referrals and 739 inquires and assessments for a total of 1173. In 2002- 2003, the number of referrals rose to 579, and our assessments numbered 845, for a total of 1417. This is an increase of 22 %. The number of formal investigations conducted was reduced by 28 % in this same time frame (from 66 to 47).

This means that more concerns are being addressed in a timely manner, without having to proceed with formal investigations.

The Children's Section received 782 inquiries and complaints in 2001-2002 and 613 inquiries and complaints during 2002-2003. We anticipate this number will increase once the service is implemented in the Secure Care Facility (Community Services) scheduled to open in the fall of 2003.

Our target is to increase the number of contacts by citizens, including youth in care and custody of municipal and provincial governments, by 25% in 2003- 2004.

A second measure of this outcome is:

Number of citizens including children in care/custody whose understanding of rights and complaint processes is enhanced through information sessions, admission sessions in facilities and speaking engagements.

In addition to the increased awareness, Nova Scotians have gained through the information provided during referral, assessment and investigation of complaints, six presentations were provided to provincials government departments and agencies with 112 in attendance. Three presentations were provided to municipal departments and agencies with 30 in attendance.

Seventeen presentations regarding the role of the Children's Section were provided to the RCMP. Eighty -five information sessions reached 209 new admissions of the youth correctional facilities. Two presentations outlining the role of the Children's Section were provided at Residential Child Caring Facilities. Field Officers participated in Peace conference hosted by Prince Arthur Junior High School reaching approximately 80 students.

Our target for 2003-2004 is to increase the number of individuals receiving information about the Office of the Ombudsman by 15%.

2. Receive and investigate complaints filed by citizens, including youth in the care and custody of municipal and provincial governments, against provincial and municipal government departments, agencies, boards and commissions.

The outcome of this core business areas is a more efficient and effective complaint resolution process and is measured by the timely completion of assessments and formal investigations.

By the end of the fiscal year, formal investigations were averaging 13 months to complete.

By the end of March 2003, the average assessment that did not proceed to a formal investigation was completed in six (6) working days. The average length of time required to assess a complaint prior to it becoming a formal investigation was 26.5 days. The combined average for completing assessment was 10 working days.

3. Recommend and monitor amendments to policies, procedures and legislation which adhere to the principles of administrative fairness for citizens, including youth in the care and custody of municipal and provincial governments. Through the recommending and monitoring component, the Office of the Ombudsman advises and educates citizens, including youth in the care and custody of municipal and provincial governments, elected officials and employees of the Public Service, of the principles of administrative fairness and good governance.

Through the assessments, reviews and formal investigations , the Office of the Ombudsman reviews the policies, procedures and legislation of government entities to determine whether or not they are being implemented properly and are administratively fair. The outcome of our analysis is conveyed to the complainants and respondents. This includes advising the parties when the policies, procedures and legislation have been property implemented by the government officials as well as making recommendations to improve the manner in which services are provided by government, when warranted.